IN THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A data sending receiving system having a sending apparatus and a receiving apparatus, the data sending receiving system comprising:

first storage means for storing data including a plurality of content and supplementary information indicating a newness of the plurality of content;

first sending receiving means for sending and receiving data;

retrieval means for retrieving the data stored in said first storage means;

a first control means for controlling said first sending receiving means to receive request information for content from said receiving apparatus, wherein the retrieval means retrieves the data stored in said first storage means based on the request information, and said first sending receiving means sends the data retrieved by said retrieval means;

second sending receiving means for sending information and receiving data;

second storage means for storing data; and

second control means (1) for controlling said second sending receiving means to send said request information to said sending apparatus based on user input and to receive the data retrieved by said retrieval means, (2) for checking whether the received data sent from said sending apparatus includes new content, ~~which is content not currently stored in the second storage means, by comparing the received data sent from the sending apparatus to data stored in the second storage means,~~ by checking the supplementary information, and (3) for adding only the new content included in the received data to the second storage means automatically based on the results of the checking,

wherein said first sending receiving means and said second sending receiving means are connected to an electronic communication network.

2. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 60, wherein said second interface further includes a reproducing unit and wherein, when the results of the checking indicates data other than data newly stored in said first memory, said reproducing unit reproduces the data sent from the first interface.

3. (Canceled).

4. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim [[3]] 1, further comprising decision means for checking whether the data sent from said first memory is the data newly stored in said first memory.

5. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 60, wherein said second interface generates the request information from the user inclusive of data specifying an intention of the user to make payment and sends the generated information to said first interface.

6. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 5, wherein said first interface switches a sending mode to said second interface for data retrieved by said retrieval unit based on data specifying the intention of the user to make payment sent from the second interface.

7. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 6, wherein said first interface switches the sending mode to the second interface based on data specifying the intention of the user to make payment sent from the second interface when the data retrieved by said retrieval unit is the data newly stored in said first interface.

8. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 7, wherein said first interface sends to said second interface data newly stored in said first interface with a same data quality as a data quality in sending other data stored in said first memory when the data specifying the intention of the user to make payments for the request information from the user sent from the second interface indicates that the user is willing to make the payments.

9. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 8, wherein said first interface sends to said second interface data newly stored in said first interface with a data quality lower than a data quality in sending other data stored in said first memory when the data specifying the intention of the user to make payments for the request information from the user sent from the second interface indicates that the user is not willing to make the payments.

10. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 60, wherein said second interface generates the request information from the user inclusive of genre designation information to send the generated information to said first interface.

11. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 10, wherein said second interface, when reproducing data stored in said second memory, reproduces the data in a same playback state as a playback state for reproducing data other than the data newly stored in said first memory when the user is willing to make a payment.

12. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 11, wherein said second interface, when reproducing data stored in said second memory, sends information concerning the payment to said first interface when the user is willing to make the payment.

13. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 12, wherein said first interface performs accounting based on accounting information sent from said second interface.

14. (Previously Presented) The data sending receiving system ~~apparatus~~ according to claim 11, wherein said first interface sends to said second interface data specifying that an accounting has come to a close and appends accounting data specifying that the accounting has come to a close to data for playback stored in second memory.

15. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 14, wherein said second interface switches the playback state of data stored in said second memory based on the data specifying that the accounting has come to a close.

16. (Currently Amended) The data sending system ~~apparatus~~ according to claim 11, wherein said second interface discontinues the playback state while reproducing data stored in said second memory when the user has no intention to make the payment.

17. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 10, wherein said first interface sends to the retrieving unit the request information from

the user containing the genre designation information sent from the second interface, and wherein said retrieval unit retrieves data stored in said first memory based on the request information from the user containing the genre designation information to send the retrieved data to the second interface.

18. (Currently Amended) A data receiving apparatus, comprising:

a sending receiving means for sending information and receiving data including a plurality of content, each of the plurality of content including supplementary information indicating a newness of each content;

a storage means for storing content; and

control means (1) for controlling said sending receiving means to send request information for content based on the user input and to receive data including [[a]] the plurality of content from [[a]] the host side device, (2) for checking whether the received data includes new content, ~~which is content not currently stored in the storage means, by comparing the received data sent from the host side device to data stored in the storage means~~ by checking the supplementary information, and (3) for adding only the new content included in the received data to the storage means automatically based on the results of the checking.

19. (Previously Presented) The data receiving apparatus according to claim 61, further comprising a reproducing unit, wherein said controller causes the sent data to be reproduced when the results of the checking indicate that the sent data is data other than data newly stored in said host side device.

20. (Previously Presented) The data receiving apparatus according to claim 19, wherein said controller includes a check means for checking whether the sent data is data newly stored in said host side device.

21. (Currently Amended) The data receiving apparatus according to claim 20, wherein said controller includes a discriminating unit, based on the supplementary data appended to the sent data, configured to indicate that the data is data newly stored in the host side device, whether the sent data is data newly stored in the host side device.

22. (Previously Presented) The data receiving apparatus according to claim 61, wherein said interface generates the request information from the user containing data specifying an intention of the user to make payments to send the generated data to said host side device.

23. (Previously Presented) The data receiving apparatus according to claim 61, wherein said interface generates the request information from the user containing the genre designation information to send the generated information to said host side device.

24. (Previously Presented) The data receiving apparatus according to claim 23, wherein when data stored in said memory is to be reproduced and the user has an intention to make payments, the data is reproduced in a reproducing state similar to a reproducing state for reproducing data other than said data newly stored in said host side device.

25. (Previously Presented) The data receiving apparatus according to claim 24, wherein when data stored in said memory is to be reproduced and the user has the intention to make payments, accounting information is sent from said interface to said host side device.

26. (Previously Presented) The data receiving apparatus according to claim 25, wherein, after an accounting comes to a close based on the accounting information, accounting data specifying that the accounting has come to a close is appended to data for playback stored in said memory.

27. (Previously Presented) The data receiving apparatus according to claim 26, wherein the playback state of data stored in said memory is switched based on said accounting data.

28. (Previously Presented) The data receiving apparatus according to claim 24, wherein when reproducing data stored in said memory and the user has no intention to make payments, the reproducing state is discontinued.

29-51. (Canceled).

52. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 60, wherein said retrieval unit retrieves said new content that is data that has been put on sale or publicized only recently.

53. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 52, wherein said retrieval unit retrieves said new content data that is data received within a preset time period from a date on which the data has been put on sale or publicized.

54. (Currently Amended) The data sending receiving system ~~apparatus~~ according to claim 60, further comprising decision means for checking whether said new content is data that is not received by said second interface.

55. (Previously Presented) The data sending receiving apparatus according to claim 61, further comprising decision means for checking whether said new content is data that has been put on sale or publicized only recently.

56. (Previously Presented) The data sending receiving apparatus according to claim 55, wherein said decision means checks whether said new content is data received within a preset time period from a date on which the data has been put on sale or publicized.

57. (Previously Presented) The data sending receiving apparatus according to claim 61, further comprising decision means for checking whether said new content is data that is not received by said interface.

58. (Currently Amended) A computer-implemented method, comprising:

first sending request information for content from a user;

first receiving the request information;

retrieving the data stored in a storage based on the request information, the data including supplemental information indicating a newness of the data;

second sending the data retrieved in said step of retrieving;

second receiving the data sent in said second sending step;

checking whether the data sent in said second sending step is ~~data corresponding to~~ new content, ~~which is content~~ not ~~currently stored in a memory,~~ by ~~comparing~~ checking the ~~received~~ supplementary information ~~data sent in the second sending step to data stored in the memory~~;

adding only the new content included in the received data to the memory automatically when results of checking in said step of checking verify that the data sent in said step of second sending is data corresponding to the new content.

59. (Currently Amended) A computer-implemented method, comprising:

sending request information for content from a user to a host side device and receiving data of content sent from said host side device, the received data including supplementary information indicating a newness of the received data;

storing the received data sent in said step of sending;

checking whether the sent data from said host side device is ~~data corresponding to~~ new content, ~~which is content not currently stored in a memory,~~ by ~~comparing~~ checking the ~~received~~ supplementary information ~~data sent from the host side device to data stored in the memory~~; and

controlling said step of storing to add only the new content included in the received data to the memory automatically when results of the step of checking verify that the data sent in said step of sending is data corresponding to the new content.

60. (Currently Amended) A data sending receiving system having a sending apparatus and a receiving apparatus, the data sending receiving system comprising:

a first memory configured to store data including a plurality of content and supplementary information indicating a newness of the plurality of content;

a first interface configured to send and receive data;

a retrieval unit configured to retrieve the data stored in said first memory;

a first controller configured to control said first interface to receive request information for content from said receiving apparatus, wherein the retrieval unit is configured to retrieve the data stored in said first memory based on the request information, and said first interface is configured to send the data retrieved by said retrieval unit;

a second interface configured to send information and to receive data;

a second memory configured to store data; and

a second controller configured (1) to control said second interface to send said request information to said sending apparatus based on user input and to receive the data retrieved by said retrieval unit, (2) to check whether the received data sent from said sending apparatus includes new content, ~~which is content not currently stored in the second memory,~~ by ~~comparing~~ checking the ~~received~~ supplementary information ~~data sent from the sending apparatus to data stored in the second memory~~, and (3) to add only the new content included in the received data to the second memory automatically based on the results of the checking,

wherein said first interface and said second interface are connected to an electronic communication network.

61. (Currently Amended) A data receiving apparatus, comprising:

an interface configured to send information and to receive data including a plurality of content, each of the plurality of content including supplementary information indicating a newness of each content;

a memory configured to store content; and

a controller configured (1) to control said interface to send request information for content based on the user input and to receive data including [[a]] the plurality of content from [[a]] the host side device, (2) to check whether the received data includes new content, ~~which is content not currently stored in the memory,~~ by ~~comparing~~ checking the ~~received~~ supplementary information ~~data sent from the host side device to data stored in the memory, and (3) to add only the new content included in the received data to said memory automatically based on the results of the checking~~.